

Translation

PATENT COOPERATION TREATY

PCT/JP2004/006604



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference TDK070WO	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2004/006604	International filing date (<i>day/month/year</i>) 11 May 2004 (11.05.2004)	Priority date (<i>day/month/year</i>) 15 May 2003 (15.05.2003)
International Patent Classification (IPC) or national classification and IPC H01L 21/68, B01J 3/02		
Applicant TDK CORPORATION		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>8</u> sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input checked="" type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 10 February 2005 (10.02.2005)	Date of completion of this report 31 March 2005 (31.03.2005)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/006604

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-35 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ 2, 5, 6, 9, 11, 14, 17 _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ 1, 3, 4, 8, 10, 13, 15, 16, 19 _____ received by this Authority on _____ 10 February 2005 (10.02.2005)
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1-19 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. _____ 7, 12, 18, 20-22 _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
 - ☒ not complied with for the following reasons:

The inventions relating to claims 1-6, 8-11 and 13-17 and the invention relating to claim 19 have no identical or corresponding special technical features with each other; therefore, they do not satisfy the requirement of unity (the clean box and other shared constitutions do not have characteristics making contributions to the prior art as seen in the cited documents).

4. Consequently, this report has been established in respect of the following parts of the international application:

☒ all parts.

☐ the parts relating to claims Nos. _____

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/JP2004/006604

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-6, 8-11, 13-17, 19	YES
	Claims		NO
Inventive step (IS)	Claims	1-6, 8-11, 13-17, 19	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-6, 8-11, 13-17, 19	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Document 1: JP, 2000-315724, A (TDK Corp.), November 14, 2000 (11.14.00), Paragraphs 0022-0060 & US, 6641349, B1, Column 7, line 29-column 13, line 24

Document 2: JP, 11-354602, A (K.K. Mekusu), December 24, 1999 (12.24.99), Paragraphs 0009-0025

Document 3: JP, 6-275699, A (Ebara Corporation), September 30, 1994 (09.30.94), Paragraphs 0005-0018

Document 4: JP, 2001-15583, A (Toshiba Corporation), January 19, 2001 (01.19.01), Paragraphs 0023-0040

(1) Regarding claims 1-6 and 13-17

The inventions of claims 1-6 and 13-17 do not appear to involve an inventive step based on documents 1 and 2 cited in the ISR.

Document 2 describes a projection having a latch function enabling engagement with a reception hole; therefore, using a latch member comprising a cam plate and latch pin as described in document 1 to provide a latch function and thus achieve the present invention could be easily conceived of by a party skilled in the art. Also, document 2 describes a jaw portion engaged with a reception hole seat, a bottom portion having a smaller cross-sectional area than that of the jaw portion, and an elongated hole seat, and the point that the jaw portion and elongated hole seat engage only after they are separated a prescribed distance from one another.

In the written reply, the applicant asserts that using the constitution described in document 2 for a FOUF type pod for the constitution described in document 1 for a SMIF type pod could not have been conceived of. However, both FOUF type pod and SMIF type pod relate to a container constituting a mini environment, and simply changing the opening/closing direction of a lid does not invalidate the opening/closing mechanism having a latch pin as described in document 2; therefore, the applicant's assertion is not accepted.

(2) Regarding claims 8-11

The inventions of claims 8-11 do not appear to involve an inventive step based on documents 1-3 cited in the ISR.

Document 3 describes a first exhaust port disposed adjacent to a port door, and a second exhaust port disposed apart from the first exhaust port. The point of providing a pressure sensor is a mere matter of design that could be appropriately conceived of as necessary by a party skilled in the art.

(5) Regarding claim 19

The invention of claim 19 does not appear to involve an inventive step based on documents 1 and 4 cited in the ISR.

This is merely use in the invention of document 1 of a constitution as described in document 4 wherein a depressurized space sealing the lid is an internal space.

In the written reply, the applicant asserts, "regarding the invention relating to claim 19, no explanation was made for denying inventive step." However, comments similar to the above are made in the previous opinion (see the supplemental box, "Continuation of Box V").